

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-30 and 41-53 are currently pending. Claims 1, 11, 21, 41, 51, and 52 have been amended; Claims 31-40 have been canceled without prejudice; and Claim 53 has been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 31-40 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and Claims 1-30 and 41-52 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0202193 to Yokochi (hereinafter “the ‘193 application”).

Applicant respectfully submits that the rejections of Claims 31-40 are rendered moot by the present cancellation of those claims.

Amended Claim 1 is directed to an image processing apparatus for generating graphics data according to picture description instructions based on original image data of full color, comprising: (1) a chromatic tester configured to determine whether a pixel of the original image data is chromatic or achromatic; (2) an obtainer configured to obtain an image property of the pixel; (3) a color converter configured to convert the pixel into CMYK data for printing according to one of a plurality of predetermined converting conditions; and (4) a converting condition designator configured to designate one of the plurality of predetermined converting conditions for the pixel determined as a chromatic by the chromatic tester based on the image property obtained by the obtainer. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

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<sup>1</sup>See, e.g., Figure 8 and the discussion related thereto in the specification.

Applicant respectfully traverses the rejection of Claim 1 as anticipated by the '193 application.

The '193 application is directed to an image processing device configured to determine whether or not a subject pixel is achromatic by judging the chroma component of a judgment. Further, the '193 application discloses that a code indicating that the pixel is on a black pixel is added to those pixels that are determined to be achromatic, including fine line pixels and edge pixels. As shown in the flowchart of Figure 7, the '193 application discloses that, in the process of converting RGB data, the system executes a step of black character detection processing (Step S11), a color conversion processing (S14), and a black generation processing (S15). Further, the '193 application discloses that in the black generation processing S15, the system determines whether the print data has a black code associated with it, which is set by the black character detection processing S11. As shown in Figure 8, the '193 application discloses that if the black code is present for the pixel, the CMYe data is replaced with K data for printing the pixel in black monochrome ink only. Otherwise, the '193 application discloses that CMYK data is generated from the initial CMYe data. Thus, the '193 application discloses that if the character detection processing S11 determines that a subject pixel is an achromatic pixel, then the generation processing step S15 determines K data for printing the pixel in monochrome ink only, while if the black character detection processing S11 does not determine that the pixel is an achromatic pixel, CMYK data is determined for the pixel. Applicant notes that the '193 application explains that by printing achromatic pixels using monochrome ink only, the color bleeding that can occur at the periphery of a fine line or edge of a black character can be decreased.<sup>2</sup>

However, Applicant respectfully submits that the '193 application fails to disclose a converting condition designator configured to designate one of a plurality of predetermined

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<sup>2</sup> See '193 application, paragraphs [0063-0067].

converting conditions for the pixels determined as achromatic by the chromatic tester based on the image property obtained by the obtainer, as recited in Claim 1. In a non-limiting example of this process, Applicant refers the Examiner to Figure 8 in Applicant's specification, which indicates that *for those target pixels that are achromatic*, an additional test is conducted to determine whether a particular image property of the pixel is present, in which case, based upon the image property present, either a black monochrome converting condition is specified or a CMYK four color converting condition is specified. On the contrary, the '193 application discloses that a converting process is based only on whether the pixel is achromatic or not. The '193 application does not teach or suggest that, for achromatic pixels, a converting condition is based on an image property obtained by an obtainer, as recited in Claim 1. In the '193 system, all achromatic pixels are treated uniformly. In contrast, Claim 1 requires that the converting condition is based upon an image property for each achromatic pixel.

Accordingly, for the reasons stated above, Applicant respectfully traverses the rejection of Claim 1 as anticipated by the '193 application.

Independent Claims 11, 21, 41, 51, and 52 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 11, 21, 41, 51, and 52 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicant respectfully traverses the rejection of independent Claims 11, 21, 41, 51, and 52 as anticipated by the '193 application.

The present amendment also sets forth at new Claim 53 for examination on the merits. New Claim 53, which depends from Claim 1, clarifies that the obtainer is configured to obtain the image property of the pixel by determining whether the pixel is part of a photographic image. New Claim 53 is supported by the originally filed specification and

does not add new matter.<sup>3</sup> Moreover, based on the asserted allowability of Claim 1, Applicant respectfully submits that Claim 53 patentably defines over the '193 application.

Thus, it is respectfully submitted that independent Claims 1, 11, 21, 41, 51, and 52 (and all associated dependent claims) patentably define over the '193 application.

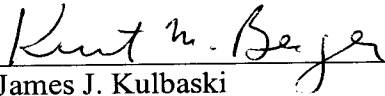
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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<sup>3</sup> See Figure 8 and the discussion related thereto in the specification.